



Information on challenging decisions in Land Registration cases

Application of this leaflet

This leaflet sets out how to challenge a decision of the Property Chamber, First-tier Tribunal ('the First-tier Tribunal') **in Land Registration cases**. Different procedures may apply to other types of case, which are not covered in this leaflet.

References in this leaflet to Rules are to the Tribunal Procedure (First-Tier Tribunal) (Property Chamber) Rules 2013¹ unless stated.

Directions which do not dispose of all or part of the proceedings

You can apply to the First-tier Tribunal to amend, suspend or set aside a direction². Any such application must be made either in writing³ or orally during the course of a hearing⁴ and, in either case, must give reasons for the application⁵.

Setting aside a decision which does dispose of all or part of the proceedings

N.B. For Reinstatement following a strike out or withdrawal please see the next sub-heading.

The First-tier Tribunal can set aside its own decision, but **only** if it is satisfied that it is in the interests of justice to do so⁶ **and** one or more of the following applies⁷:

- (a) a document relating to the proceedings was not sent to, or was not received at an appropriate time by, a party or their representative;
- (b) a document relating to the proceedings was not sent to or was not received by the First-tier Tribunal at an appropriate time;
- (c) a party, or a party's representative, was not present at a hearing related to the proceedings;
or
- (d) there has been some other **procedural** irregularity in the proceedings.

¹ Statutory Instrument 2013 no. 1169

² Rule 6(2)

³ Rule 7(2)(a)

⁴ Rule 7(2)(b)

⁵ Rule 7(3)

⁶ Rule 51(1)(a)

⁷ Rule 51(2)

Any application to set aside a decision must be in writing⁸, give reasons and must be received within 28 days for the date the First-tier Tribunal sent notice of its decision (or, if later, the reasons for its decision) to you.⁹ The Tribunal has discretion as to whether or not to set aside its proceedings even if any of (a) – (d) above apply.

Reinstatement following strike out or withdrawal

The First-tier Tribunal can reinstate proceedings before it¹⁰ but only if either:

- (a) the Tribunal has struck out¹¹ the proceedings. Any application to reinstate should be made within 28 days of the Tribunal sending notification of the strike out¹²; or
- (b) you¹³ or one or more of the other parties¹⁴ has withdrawn. Any application to reinstate must be received by the Tribunal within 28 days¹⁵ of whichever one of the following is applicable:
 - (i) the hearing at which **you** withdrew; or
 - (ii) the date the Tribunal received **your** notice of withdrawal; or
 - (iii) within 28 days of you receiving notification of **another party's** withdrawal.

Any application for reinstatement must be in writing, and give reasons. The Tribunal has discretion as to whether to reinstate following a strike out or withdrawal.

Appealing against a decision

You **cannot** appeal against a decision of the First-tier Tribunal to¹⁶:

- (i) review, or not to review, one of its own decisions¹⁷
- (ii) take no action, or not to take a particular action¹⁸, in light of a review of one of its own decisions
- (iii) set aside one of its own decisions¹⁹

You also **cannot** appeal against a decision of the First-tier Tribunal if the First-tier Tribunal has already set aside²⁰ that decision.

You **can** appeal against other decisions of the First-tier Tribunal in a Land Registration Case to the Upper Tribunal, Tax and Chancery Chamber on questions of both law²¹ and fact²², **subject to obtaining permission to appeal (see below)**.

⁸ Rule 51(3)

⁹ Rule 51(3) (a) and (b).

¹⁰ Rules 9(5) (applicant) and 9(7) & 9(7)(b) (respondent)

¹¹ Under one or more of rules 9(3)(a)-(e)

¹² Rule 9(6)

¹³ Rule 22(5)

¹⁴ Rule 22(8)

¹⁵ Rule 22(6) (a) and (b)

¹⁶ Section 11(5)(d)(i)-(iii) Tribunals Courts and Enforcement Act 2007

¹⁷ Under rule 53

¹⁸ Under rule 55

¹⁹ Under rule 51

²⁰ Under rule 51

²¹ Section 11 Tribunals, Courts and Enforcement Act 2007

²² Section 111(1) Land Registration Act 2002

Permission to appeal

You cannot appeal without permission²³. If you want permission to appeal, you must ask the First-tier Tribunal first. **You cannot apply to the Upper Tribunal for permission to appeal unless the First-tier Tribunal has already refused you permission²⁴.**

Permission from the First-tier Tribunal

An application to the First-tier Tribunal for permission to appeal should be in writing²⁵ and²⁶

- (a) identify the decision you wish to appeal against;
- (b) give the grounds of your appeal; and
- (c) state the result you are seeking.

The application must be received by the First-tier Tribunal within 28 days of the **latest** of the dates that the First-tier Tribunal sent you²⁷:

- (a) written reasons for the decision;
- (b) any amended reasons for, or any correction to, the decision; or
- (c) notification that any application to the First-tier Tribunal to set aside its own decision²⁸ has been unsuccessful.

The First-tier Tribunal will then consider whether to review its own decision²⁹ (which it will do only if satisfied that one or more grounds of appeal is likely to be made out³⁰) and, if not, whether to give permission to appeal³¹. The First-tier Tribunal may allow other parties to make representations or objections at any stage.

Permission from the Upper Tribunal, Tax and Chancery Chamber

If (but only if³²) the First-tier Tribunal refuses permission you can make a further application for permission to the Upper Tribunal, Tax and Chancery Chamber³³.

The application must be in writing and must be received by the Upper Tribunal within one month of the date the First-tier Tribunal sent its decision refusing permission to appeal³⁴.

²³ Sections 11(3) Tribunals, Courts and Enforcement Act 2007 and 111(2C) Land Registration Act 2002 (the latter inserted by paragraph 231 in Part 3 of Schedule 1 to the Transfer of Tribunals Functions Order 2013, Statutory Instrument 2013 no. 1036)

²⁴ Rule 21(2) Tribunal Procedure (Upper Tribunal) Rules 2008, Statutory Instrument 2008 no. 2698

²⁵ Rule 52(1)

²⁶ Rule 52(5)

²⁷ Rule 52(2)

²⁸ Under rule 51

²⁹ Rule 53(1)

³⁰ Rule 55(1)(b)

³¹ Rule 53(2)

³² See note 24 above

³³ See notes 21-23 above

³⁴ Rule 21(3)(b) Tribunal Procedure (Upper Tribunal) Rules 2008, Statutory Instrument 2008 no. 2698

Stay of the First-tier Tribunal's order

If you want a stay of the First-tier Tribunal's order (i.e. you want to prevent it taking effect until your appeal is decided) you should apply **expressly** for a stay at the same time as you apply for permission to appeal³⁵, giving reasons³⁶. A stay is **not** automatic even if permission to appeal is granted.

Notifying the Land Registry of an application for a stay

If, **but only if**, the order you want to appeal against is **expressly** directed to the Chief Land Registrar, **you should also notify the Land Registry immediately of your intention to appeal and to ask for a stay**. The Land Registry may implement the order at any time unless there is an express order from the First-tier Tribunal preventing them from doing so.

Contacting the Upper Tribunal Tax and Chancery Chamber

Further guidance on the Upper Tribunal, Tax and Chancery Chamber's procedures can be obtained from:

The Upper Tribunal, Tax and Chancery Chamber
45, Bedford Square
London
WC1B 3DN

Telephone: 020 7612 9642 or 020 7612 9646
Fax: 020 7612 4151

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³⁵ Rule 54(1)

³⁶ Rule 54(2)